UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.

Plaintiff,

v. **Civil Action No.: 2:14-cv-30221**

MICHAEL SPARKS and
DELORIS "DEE" SIDEBOTTOM,

Defendants.

MEMORANDUM IN SUPPORT OF MOTION TO FILE OUT OF TIME

Now comes the defendant, Deloris "Dee" Sidebottom, by and through her counsel, Joshua R. Martin, and the law firm of Neely & Callaghan, and respectfully submit to this Honorable Court Defendant's "Memorandum in Support of Motion to File Out of Time."

ARGUMENT

Pursuant to Rule 26(a)(1)(C) "A party must make the initial disclosure at or within 14 days after the parties Rule 26(f) conference unless a different time is set…." According to the May 22, 2015, Report of Parties' Rule 26(f) Planning Meeting, (Doc. #19), the Rule 26(a) disclosures were due June 15, 2015.

Defendant asserts that she should be allowed to file her Rule 26(a) Disclosures out of time due to counsel's excusable neglect. Since agreeing to the timetable found in the "Report of Parties Rule 26(f) Planning Meeting" counsel for Defendant Sidebottom has experienced a family emergency which as forced him to be away from the office to attend to his ill wife. Further, counsel for Plaintiffs busy litigation and briefing schedules have made it extreme difficult to timely file the Rule 26(a) Disclosures. Finally, Plaintiff asserts allowing him to file his response out of time will not prejudice the rights of the Plaintiff as the disclosure is only one (1) day out of time and plenty of time remains for Plaintiff to conduct full discovery of this matter.

CONCLUSION

WHEREFORE Defendant asserts that she has shown good cause to allow her to file her Rule 26(a)(1) Disclosures out of time, and respectfully request that this Honorable Court grant her motion.

Respectfully Submitted
Deloris "Dee" Sidebottom
by counsel

/s/ Joshua R. Martin__________

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Richard Neely (WVSB #2709)
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CERTIFICATE OF SERVICE

I, Joshua R. Martin, hereby certify that I served the foregoing MEMORANDUM IN SUPPORT OF MOTION TO FILE OUT OF TIME by filing same electronically with the Clerk of the U.S. District Court, who will forward copies to all parties of record on this 16^{h} day of June, 2015.

/s/ Joshua R. Martin___________

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